MISCELLANY.

A constitutional amendment has been approved by the Missouri legislature, and is to be submitted to the people, providing that in the trial of civil cases in courts of record three-fourths of the jury may render a verdict, and in courts not in record a verdict of two-thirds of the jury shall be sufficient. This is certainly quite likely to do away with the eternal "obstinate juror" question.—*American Lawyer.*

VIRGINIA REPORTS AND OTHER PUBLICATIONS FOR SALE BY THE STATE LIBRARY.—We are indebted to Hon. J. T. Lawless, the obliging Secretary of the Commonwealth, for the following list of State publications, for sale by the State Library, at the prices annexed:

Under order of the Library Committee, the price of Virginia Reports on hand is fixed uniformly, per volume, at $3.50.

The following may be had from the Library and through booksellers: Randolph's Reports, volume 6; Leigh's Reports, volumes 2 to 12, inclusive; Robinson's Reports, 2 volumes; Grattan's Reports, 1 to 18, inclusive; Virginia Reports, 77 to 96, inclusive.

Code 1887, $2; Acts of Assembly, per volume, 50 cents; Acts of Assembly, 1891–92, per volume, $1; Acts of Assembly, 1893–94, per volume, $1; Acts of Assembly, 1895–96, per volume, $1; Acts of Assembly, 1897–98, per volume, $1; Senate and House Journals, per volume, $1; Annual Reports, per volume, $1; Calendar of State Papers, 1652–1867, 11 volumes, per volume, $2.50; Hening's Statutes, 1619–1792, 13 volumes, per set, $13; Hening's Statutes, odd volumes, per volume, $1; Railroad Commissioner's Reports, $1.

No copies of Acts of Assembly 1889–90 or Mayo's Guide for sale.

NEGOTIABLE NOTE—DEFENSE OF DURESS—BONA FIDE PURCHASER.—The Supreme Court of Wisconsin in *Mack* v. *Prang*, 79 N. W. 771, holds that the defense of duress cannot be set up in an action on a negotiable note and mortgage, as against an innocent purchaser for value and before maturity. Justice Winslow, speaking for the court, said in part:

"There is some conflict in the authorities upon the question whether the defense of duress by threats can be successfully urged against a *bona fide* holder for value of negotiable paper, but the better opinion, and weight of authority, is that such defense stands upon the same footing as other defenses which may be made as between the original parties, but is cut off when the paper reaches the hands of a *bona fide* holder. *Fairbanks* v. *Snow*, 145 Mass. 153; *Bank* v. *Butler*, 48 Mich. 192; *Clark* v. *Pease*, 41 N. H. 414; *Beals* v. *Neddo*, 1 McCrary, 206; *Martineau* v. *McCollum*, 3 Pin. 455; 4 Am. & Eng. Enc. Law (2d Ed.) p. 334. Duress which consists of threats of imprisonment of a husband or a child is a spicies of fraud which renders the contract made under the influence voidable only, and not void. *Bank* v. *Kusworm*, 91 Wis. 166. If it be simply a voidable contract, then it follows naturally that, when the contract consists of negotiable paper, the

defense is cut off by transfer to a *bona fide* purchaser before maturity, in the same manner that other defenses upon the ground of fraud are cut off."—*Chicago Law Journal.*

Mr. Daniel, while conceding that there is some authority for the doctrine that duress is a mere equity, which is cut off by transfer of the paper to a holder in due course, maintains that violent duress, such as to affect a man of reasonable firmness and courage, is an absolute defense by the maker, even against a *bona fide* holder for value. We quite agree with the learned author in the following summing up of his discussion of the question:

"Indeed, we can discern no principle which would compel any person, whether a party to a negotiable or other kind of instrument, to pay it, when under violent duress—that is, under the compulsion of force, with the only alternative of submitting to great bodily injury or indignity. Consent is of the essence of every contract, and if it is not given the party should not be bound if he had no alternative but to seem to give it, or suffer grievous wrong. He creates no trust, he commits no negligence, whereby the confidence of another can be betrayed. He is in no default, having the right of self-defense in preferring his own life and safety to the chances of pecuniary injury to others; and his extorted act is nothing more nor less than the act of the wrong-doer who uses his person as the instrument of forging his name." 1 Daniel, Neg. Instr. (4th ed). 858.

PROPOSED JOHN B. MINOR MEMORIAL BUILDING.—Mr. James B. Green, law instructor at the University of Virginia, who originated and so successfully prosecuted the plan of placing a marble bust of the late Professor John B. Minor in the University Library, has undertaken to raise a fund for a more elaborate memorial to the great teacher, in the form of a law building at the University. Mr. Green's energy is only equalled by his devotion to the memory of Professor Minor, and we sincerely hope that his plans, when fully matured and presented to Professor Minor's former students, who are numbered by thousands all over the country, may meet with a prompt and hearty co-operation. The following distinguished alumni have consented to serve on the committee for soliciting subscriptions:

For Virginia: Hon. Edward Echols, Staunton, Va.
For Tennessee: Prof. Thomas H. Malone, Nashville, Tenn.
For Georgia: Hon. Robert Falligant, Savannah, Ga.
For Mississippi: Hon. John Sharpe Williams, Yazoo City, Miss.
For Florida: Hon. George P. Raney, Tallahassee, Fla.
For North Carolina: Hon. George Gordon Battle, New York, N. Y.
For South Carolina: Andrew Crawford, Esq., Columbia, S. C.
For Texas: Hon. Charles A. Culbertson, Dallas, Tex.
For Missouri: Hon. William H. Clopton, St. Louis, Mo.
For Louisiana: Eugene D. Saunders, Esq., New Orleans, La.
For California: Horace G. Platt, Esq., San Francisco, Cal.
For Pennsylvania: A. Leo Weil, Esq., Pittsburgh, Pa.

Names of committeemen from other States will be added and announced hereafter. As soon as the plans of the committee are fully formulated, a vigorous canvass will be begun, and every alumnus of the law department will be given an opportunity to subscribe to the fund. Mr. Green, as chairman of the General Committe, will be glad to communicate with any alumnus who is interested.

ATTORNEY-AT-LAW—STRIKING FROM THE ROLL, FOR UNLAWFUL USE OF THE MAILS.—In the case of *People, ex rel. Colorado Bar Association* v. *Weeber*, reported in the *Chicago Legal News* for June 3, 1899, the Supreme Court of Colorado struck from its rolls an attorney who had been indicted, convicted and fined in a court of the United States for making an unlawful use of the United States mails. The fact that he had satisfied the fine adjudged against him, did not prevent his being disbarred for the same offense. The court might have disbarred him although he had not been prosecuted or convicted, since conduct of this kind demonstrates the unfitness of the person guilty of it for membership in the legal profession. Our readers will note that the proceeding was had on the relation of the Colorado Bar Association. Such proceedings, properly taken, conducted without prejudice, and carefully guarding the rights of the accused, demonstrate the usefulness of bar associations, and tend to convince those attorneys who need such admonitions, that there is a disciplinary body connected with their profession that can call them to account for misconduct therein.—*American Law Review.*

The subject of professional ethics evidently has a strong hold on the judges who preside over the Supreme Court of Colorado. In a recent case before that court, an attorney was disbarred for advertising for divorce cases, accompanying his bid for the dirty business by the published statement that divorces could be obtained by him quietly and without publicity. The court based its action in disbarring the advertiser on two grounds: First, that it was against public policy, and contrary to good morals, to lead married couples to believe that divorces could be obtained secretly, since this would tempt many couples to apply for divorces, who would otherwise be deterred from taking such a step from a wholesome fear of public opinion; and second, that a representation that divorces could be obtained without publicity, was a false representation and a libel upon the courts of justice. *People* v. *MacCabe*, 18 Col. 186; 36 Am. St. Rep. 270.

The same court, at the same term, disbarred another attorney for entering into a conspiracy to defraud a third person, and in the course of the opinion, laid down the following wholesome doctrine:

"The duties imposed upon members of the bar clothe them with important fiduciary responsibilities and make them amenable to obligations that other members of the community do not share. In no other calling should so strict an adherence to ethical and moral obligations be exacted, or so high a degree of accountability be enforced.

"A good moral character is one of the essential requisites to admission to the bar in this State, and the tenure of office thereby conferred is during good behavior; and when it appears, upon full investigation, that an attorney has forfeited his 'good moral character,' and has by his conduct shown himself unworthy of his office, it becomes the duty of the court to revoke the authority it gave him upon his admission. 'It is a duty they owe to themselves, the bar and the public, to see that a power which may be wielded for good or for evil, is not entrusted to incompetent or dishonest hands.'" *People* v. *Keegan*, 18 Col. 237; 36 Am. St. Rep. 274.

A full collection of authorities on this subject will be found in *State* v. *Kirke*, 12 Fla. 278, and an extensive note thereto in 95 Am. Dec. 333-345. See also monographic note to *In re Philbrook* (Cal.), 45 Am. St. Rep. 71-86.

THE PRELIMINARY TRAINING OF A LAW STUDENT.—We alluded in our June number to the efforts which were being made by the Chicago Bar Association looking to the establishment of a higher professional standard among the attorneys of that city. In addition to publishing the names of a number who were practicing law without being duly licensed, the Association opposed the admission of certain students under the recent Campbell act, and the Supreme Court has rendered an opinion in the matter of the application of Day and others, law students to be admitted to practice, in which it finds the act in question unconstitutional, and holds that the legislature has no power to pass a law controlling the admission of members of the bar, as the latter are officers of the court and, therefore, under its direct control.

It may be necessary to remark, for the benefit of such as have not followed up this case, that on November 4, 1897, the Supreme Court adopted a rule providing for a State board of law examiners, to be appointed by it, and fixing the minimum course of study for students at three years. Thereupon an act was introduced and passed in the legislature, exempting from the operation of this rule all students who had begun the study of law prior to its adoption.

In the rendered opinion the court observed that "it is our duty to maintain the provisions of the constitution that no person or collection of persons being one of the departments of government shall exercise a power properly belonging to another, and if the legislature, by inadvertency, as in this case, assumes the exercise of a power belonging to the judicial department, it should only be necessary to call its attention to the restraint imposed by the constitution.

Whatever may have been the propriety of the rule admitting the holder of a diploma issued by a law school to practice in view of the law schools existing at its adoption, the rule has been an alarming menace to the administration of justice, particularly in Cook county, where the injurious consequences were mainly felt. In view of the disastrious consequences to the profession and the public, the rule by which it was only a step from the diploma mill to the bar was changed, and in an effort to discharge a duty to the public the general standard of admission is raised. That the change was a wise one, and one that will tend to promote the public welfare, is not denied by counsel for applicants, who desire to elevate the standard of the bar and assure us that they sympathize with us in our effort in that direction.

It is conceded that when the rule was made, November 4, 1897, the court had full power to make it and to fix the standard of admission. It was a valid rule of the court, acting within its unquestioned jurisdiction, and the question is whether the legislature could rightfully encroach upon a power belonging to the judicial department and set aside the rule."

There seems to be too much of a disposition to throw wide open the doors of the temple of justice for the purpose of admitting to professional life the poor, but worthy young man who has not had the means sufficient to obtain proper training. While we have the utmost sympathy for the individual in question, and recognize the hardship to which he is subject, we yet fail to see any good reason why he should be turned loose upon the community at large wanting a sufficient preliminary education, filled with ill digested principles and lacking in training sufficient to warrant a hope of their final thorough comprehension, with a smattering of the law of procedure sufficient to enable him to finally become a "prac-

titioner" through experience obtained at the expense of clients, although during the entire period, custom has allowed him the privilege of charging ten times the compensation obtained for an equal expenditure of time and brains by an ordinary mechanic, who has served an apprenticeship of twice as long a time.

In some of the States we are informed that the only requirement for admission to the bar is "a good moral character." Even in New York, as Redfield remarks, the liberal tendencies which gave birth to the Constitution of 1846 manifested themselves in 1847 by a legislative provision that any person of good moral character, although not admitted as an attorney, might manage, prosecute or defend a suit for any other person, provided he was specially authorized for that purpose by the party for whom he appeared, in writing or by personal nomination in open court. (Laws 1847, ch. 470, sec. 46).

But that provision was declared unconstitutional, became obsolete, and has been expressly repealed. (*McKoan* v. *Devries*, 3 Barb. 196; Laws 1880, ch. 245, sec. 1, subdiv. 24).

The matter in question is one which the bar at large might as well recognize as being of the greatest importance, one which must be solved by the courts and the law schools, for, as the Illinois appellate tribunal observed, the legislature has properly no control over the officers of the court. With them rests the obligation of determining whether the coming bar will be our pride or our disgrace. Custom in this country has long since recognized the existence of a *noblesse* of the robe. The duty is upon the bar associations as guardians of the fair name of the attorney and counsellor to manifest more interest than has been previously shown by them upon the subject, and the action of the Chicago Bar Association has pointed it out as the noble poineer in a worthy cause. It is in this connection that we can commend to the hearty approval of all the course adopted by a number of eastern law schools in raising the standard of professional training.—*American Lawyer.*

LEGISLATION RECOMMENDED FOR THE DISBARMENT OF ATTORNEYS FOR UNPROFESSIONAL CONDUCT.—The State Bar Association at its recent meeting approved certain amendments to the Code, with reference to the disbarment of attorneys, and instructed the proper committee to present the same to the legislature at its next session, and to advocate their passage. The amendments, if adopted, will, in our opinion, place the law of this subject on a better basis than it has been heretofore in Virginia, and, it is to be hoped, will do much toward ridding the bar of those members who disgrace the profession, and toward maintaining that high standard of professional ethics for which the bar of Virginia has always stood.

The proposed amendments are in the following form:

A BILL to amend and re-enact sections 3195 and 3196 of the Code of Virginia, and to repeal section 3197 of the same Code.

1. *Be it enacted by the General Assembly of Virginia*, That sections 3195 and 3196 of the Code of Virginia, be amended and re-enacted so as to read as follows:

Section 3195. Any court before which an attorney has qualified, on proof being made that he has been convicted of a felony, or of any malpractice, or of any

corrupt unprofessional conduct, shall revoke his license to practise therein, or suspend the same for such time as the court may prescribe.

Section 3196. If the Supeme Court of Appeals, or any court of record in this State, observes any malpractice, or any corrupt unprofessional conduct therein by an attorney, or if complaint, verified by affidavit, be made to any such court of malpractice or of corrupt unprofessional conduct by an attorney therein, or if complaint, verified by affidavit, be made to any court of record (other than the Supreme Court of Appeals) of any malpractice or any corrupt unprofessional conduct by an attorney practising therein, such court shall issue a rule against such attorney to show cause why his license to practise law shall not be revoked or suspended. Upon the return of such rule, a jury shall be impaneled, when required by the defendant, and if he be found guilty by the court, or by the jury where one is impaneled, his license to practise in such court shall be revoked, or suspended for such time as the court may prescribe. When the case is in the Supeme Court of Appeals, the court shall direct one of its officers to summon a jury from the county or corporation in which said court is then being held, to be impaneled and paid as in eases of misdemeanor in the county or corporation court; and any revocation or suspension of license by said Supreme Court of Appeals shall operate and be effective in all the courts of this commonwealth. If the case be in a county court, the defendant, or the party making the complaint, or the court of its own motion, shall have the right to remove the same to the circuit court of the county, to be proceeded with therein, as if the case had originated in the latter court. Any judgment of conviction, upon such removal, shall operate to revoke or suspend the license of the defendant to practise in such county and circuit court. The words "any malpractice or any corrupt unprofessional conduct," as used in this section, shall be construed to include the failure, without sufficient cause, of an attorney at law to pay over and deliver to the person entitled thereto, within a reasonable time, any money, security, or property which has come into his hands as such attorney.

In any proceeding to revoke or suspend the license of an attorney under this or the preceding section, the complainant shall be entitled to representation by counsel.

2. *Be it further enacted*, That section 3197 of the Code of Virginia be, and the same is hereby, repealed.

3. This act shall be in force from its passage.

CONTRACTUAL POWERS OF MARRIED WOMEN IN VIRGINIA.—We are permitted to publish the following note from the advance sheets of Hurst's Virginia Digest, on the subject of the wife's contractual powers. If any of our readers are disposed to believe that this subject is an editorial hobby, attention is called to the fact that at least three numbers of the current volume have contained no reference to it. The REGISTER is glad to welcome Mr. Hurst into the small but select circle of those who would give the *feme* her just dues under the statute:

Under section 2288 of the Code, a married woman "*may make contracts, as if sole, in respect to such trade, business, labor, services, and her said separate estate, or upon the faith and credit thereof.*"

By section 2295, "*every contract hereafter made by a married woman, which she has*

the power to make" [she cannot contract as to her common law lands or her after-acquired equitable estate, nor as a partner with her husband], "*shall be deemed to be made*" [without regard to her intention to charge, but in pursuance of statutory authority, pure and simple], "*with reference to her estate, which is made her separate estate by this chapter, as a source of credit; and every such contract shall be deemed as intended to be made*" [based entirely upon intention, which is irrefutably presumed, and limited necessarily to existing estate], "*with reference to her equitable separate estate also, if any she has*" [her contract does not bind such estate acquired afterwards], "*as a source of credit, to the extent of her power over the same, unless the contrary intention is expressed in the contract,*" subject to an exception contained in section 2502.

If these were the only provisions on the subject of a wife's power to contract, one might possibly conclude that her power of contracting as to her separate estate under the Code, is limited and measured by the estate owned by her at the time, as in the cases of her *equitable* separate estate, and her legal separate estate under the Act of 1877; but even then, the particular wording of the above sections, with the use of the clause "*if any she has,*" and the phrases "*in respect to*" and "*upon the faith and credit thereof,*" in lieu of the phrase "*in relation to,*" as used in the Act of 1877, together with the enlarged policy for the financial emancipation of a married woman, as shown in sections 2284–7, defining her separate estate and her rights and power in respect thereto, might offer some obstruction to this view.

But if these provisions do not "make a man of her," section 2289 is, at least, another step in that direction, for it provides that "a *personal* judgment or decree may be rendered for or against her; and when against her, the same may be enforced against *her*, and any separate estate she *has* or *may subsequently acquire* (but only against such estate),"—not against her common law lands or her after-acquired equitable separate estate—"in the same manner as if she were unmarried." While it may be true that the *remedy* on a contract cannot enlarge the *power* to contract, or the rights under it, yet the remedy and the power to contract are commensurate with each other and antipodal, and are equal counterparts of one entire thing, to-wit: *a debt contracted and satisfied.* So that, the section defining the *remedy* should be looked to, in construing the section conferring the *power* to contract; and as the remedy is prospective in its scope, extending to after-acquired property, so her contract is prospective in its objects "upon the faith and credit" of such after-acquired estate.

As to whether a married woman must first have some property to qualify her to contract at all, this is not expressly required by the statute; and if not expressly required, what policy or purpose is served by implying such a prerequisite? Evidently, she may bind ultimately—when judgment is obtained—what she did not have at the time she made the contract. Why, then, may she not do this, in the first instance, without having any property at the time? Unless there is some imperative rule of construction, grounded in a wise and sensible policy, requiring it, the courts will be reluctant, in the absence of a clearly expressed intention, to read into the statute a useless and senseless restriction upon her power. The courts will be loath indeed, to charge the legislature with the folly of doing a foolish thing, when a sensible, reasonable construction may be placed upon their work.

Besides, what intricacies and entanglements we should encounter, if we admit

this property qualification! How much property? What kind? "Homespun gingham, cracked mirrors, and brass breast pins?" "A brindled cow, with short tail?" Rights in action for a tort to her person, while a suit therefor is yet pending? etc., etc., etc.

If she must have a property qualification, in order to attain unto the important *status* of a contracting *feme sole*, let the custom be at once established, of a gift by father, mother, sister, brother, or friend, upon her marriage or attaining her majority, of a five dollar gold piece, or the like, and let the gift be called "the emancipation piece." We should thereby hand down to remote posterity a custom as unique and strange and silly as any we ever inherited from the ancient common law.

Judge Burks (it seems), M. P. Burks (his learned son and a distinguished writer), Mr. Barton, and others, think a property qualification is indispensable. See 1 Va. Law Reg. 357; Burks Prop. R. of Mar. Women, 81; 3 Va. Law Reg. 797; 4 Va. Law Reg. 460, 630; 2 Bart. Chy. Prac. (2d ed.), 1132, while Prof. W. M. Lile stands almost solitary and alone in maintaining the negative. See 3 Va. Law Reg. 635; 4 Va. Law Reg. 418, 465, 629, 711, 789. From the most careful reading of *Duval* v. *Chelf* (1896), 92 Va. 489, we are not able to discover even a *dictum* in favor of a property qualification under the Code, though Prof. Lile admits it against his own contention.

"JOHN MARSHALL DAY," FEBRUARY 4, 1901.—Proposition formulated and submitted by Mr. Adolph Moses, of the Chicago Bar, and adopted by the Illinois State Bar Association, July 7, 1899:

On February 4, 1801, John Marshall took his seat in the Supreme Court of the United States as the third chief justice, on a commission signed by President John Adams, dated January 31, 1801. He sat in the court thirty-four years.

The 4th of February, 1901, will fall on Monday, and I propose, as a member of the bar, that the legal profession of the United States celebrate Monday, February 4, 1901, as "John Marshall Day," in order to commemorate the great event which gave to the people of the United States the powerful mind of Marshall, and harmony and strength to the great instrument, the Constitution of the United States.

This will likely be the first centennial day in the twentieth century, and, if the suggestion shall be adopted, the occasion will be the peacefully determined expression of the bench and bar of the United States that constitutional government shall remain with us, in its full unimpaired strength, in the twentieth century and through the centuries to come.

The celebration of this day by the bench and bar of the United States will bring together the greatest assemblage of lawyers and judges which the world has ever witnessed, and the dedication of the day will mark an event unexampled in the history of English-speaking lawyers and judges.

It is proposed that the judicial department of the government, both state and national, shall be the principal actor in this national celebration, and it is also suggested that the executive and legislative branches of the government shall participate.

John Marshall, for a brief time, was Secretary of State under President Adams, and was one of the envoys sent to France. He was also a member of Congress.

Hence it is most fitting that the executive as well as the legislative branches of the government shall participate.

It is proposed that an exalted meeting take place in the Supreme Court chambers of the United States at Washington, to which the president, the vice-president, the speaker of the house, the members of the cabinet, and other dignitaries be invited, on which occasion, by direction of the chief justice, the judicial life and character of Chief Justice Marshall shall be the principal theme of the orator.

It is further proposed that a like celebration take place in the joint houses of Congress.

It is further proposed that, on said day of celebration every court house in the United States shall be closed to secular business, and that suitable ceremonies take place commemorative of the great national event.

The law schools in the United States, the universities and faculties of professors, may also consider this day as their own, so that constitutional knowledge and betterment of republican government may be advanced.

It is also proposed that on that day members of the bar shall be designated by boards of education to address the scholars of the public schools for the purpose of making the name of John Marshall a household word in the land.

In this manner the orators of the day will emphasize the great influence which Chief Justice Marshall has exercised upon the people and government of the United States, and the event must necessarily bring great and lasting results in its train.

The powerful aid of the secular and legal press towards this movement will not be undervalued.

In order to give effect to this idea, it is proposed to present a suitable memorial to the American Bar Association at its next August session at Buffalo, accompanied with proper resolutions to the effect that the American Bar Association appoint a special committee, representing all the States and Territories, to take charge of this subject, and work out a plan of celebration for submission to the organized body of the bench and bar and other public bodies in the United States.

It is also proposed that such committee appoint an editor or a number of editors to prepare a commemorative volume, which, besides biographical data of the Chief Justice, will largely deal with his constitutional opinions, in order that their influence may be widened throughout the non-professional world.

It is proposed to interest in this matter eminent judges, statesmen, and lawyers who may be induced to indorse the idea herein suggested, before it is finally submitted for action to the American Bar Association.

These are merely the outlines of the thought which has lately come to me, and which may be extended in all reasonable directions. The proposition is, in my judgment, a feasible one, and will be a profound appeal to the intelligence and patriotism of the bench and bar of the United States, to whom these outlines are respectfully submitted by an ardent admirer of Chief Justice Marshall and the far-reaching work which he did for the people of the United States.

(On motion of General John C. Black, of the Chicago Bar, the above proposition was unanimously adopted by the Illinois State Bar Association, with instructions to its delegates to the American Bar Association to present it at its next session in Buffalo, N. Y., August 28, 29, 30, 1899).

In connection with the foregoing, the Virginia State Bar Association, at its recent meeting at Hot Springs, adopted the following resolution, prepared by Hon. Beverly B. Munford, of the Richmond bar:

"*Resolved*, That the Virginia State Bar Association regards with sentiments of earnest approval the movement recently inaugurated by the Illinois State Bar Association upon the motion of Hon. Adolph Moses, of the Chicago bar, to celebrate in an appropriate manner the coming centennial anniversary of the elevation of John Marshall to the position of Chief Justice of the Supreme Court of the United States. His exalted character as a man, his pre-eminence as a jurist, and his illustrious services in the making of the Union, entitle him to the lasting veneration and affection of all his countrymen. The lawyers of Virginia, with peculiar pride, will cordially unite in any movement to commemorate his labors and to exalt his fame.

Resolved, further, That a committee of five be appointed by the President to communicate to the American Bar Association, at its approaching meeting, the passage of the foregoing resolution, and to correspond with other bar associations and the bar generally looking to the accomplishment of the end in view, making a report of their action to this body at its next session."

In pursuance of this resolution the President appointed the following committee: Hon. Beverly B. Munford, Richmond; Hon. L. L. Lewis, Richmond; John A. Coke, Richmond; Jackson Guy, Richmond; James P. Harrison, Danville.

THE VIRGINIA STATE BAR ASSOCIATION—MEETING AT THE HOT SPRINGS.—The Eleventh Annual Meeting of the Virginia State Bar Association, held at Hot Springs, Va., on August 1, 2 and 3, was largely attended, and, as it seemed to us, was an unusually pleasant one.

We arrived too late to hear the address of the President, Hon. John Goode, but it is said to have been most interesting. We hope to give it a more extended notice in some future number.

James P. Harrison, of Danville, read a paper on the somewhat trite subject of "Suggested Changes in our Judicial System." The treatment of the theme, however, was original, and the paper is a valuable contribution to the literature of this important subject. Mr. Harrison's suggestions are, most of them, intensely practical, and if adopted would remove much of the widespread criticism to which our present judicial system is justly subject. We hope to publish the paper in full at an early date. The principal changes in our present judicial system urged in the paper, are shown in the following outline, kindly placed at our disposal by the author:

I. *Suggestions applicable to all courts.*

1. A constitutional inhibition of any judge practising law.

2. A constitutional amendment definitely prescribing all judicial terms to be for the full number of years specified, correcting the construction given by *Burks* v. *Hinton*.

3. A constitutional inhibition of the election to a judgeship of any member of the General Assembly.

II. *Suggestions applicable to the Supreme Court of Appeals..*

1. That all judges be required to wear a gown when on the bench.

2. That the sessions of this court at Wytheville and Staunton be done away with, and that it sit at Richmond only.

3. That the records and briefs be printed in uniform style, and bound copies be kept numbered to accord with the volumes of the Reports, and that the printing be done by the parties under direction of the clerks of the lower courts.

III. *Suggestion as to the Circuit Courts.*

That the circuits be re-arranged and reduced to ten, with a minimum salary of $2,500 to the judges, without mileage.

IV. *Suggestions as to the County Courts.*

1. That the present county courts be abolished.

2. That the corporations and counties be thrown into districts, to be presided over by judges, with a minimum salary of $2,000, who shall not practise law, and with enlarged jurisdiction.

3. That the county court clerks be given judicial functions in matters of probat, roads, etc., and *pro forma* proceedings, with appeal of right to the district courts.

4. That the commonwealth's attorneys for each county be abolished.

5. That district attorneys be provided for.

The annual address, by Hon. Alexander Pope Humphrey, of Louisville, Kentucky, was the *pièce de resistance* of the occasion. The subject of the address was "The Impeachment of Samuel Chase." The speaker had his subject well in hand, and spoke without reference to his manuscript. To the intrinsic interest of his narrative, he added an ease of manner and a grace of delivery, which insured him the full sympathy of his audience from the beginning. This sympathy closely followed him through his peroration, and expressed itself with old Virginia enthusiasm, too outspoken to leave any doubt upon the mind of the distinguished speaker that he had won his way to the hearts of the Virginia bar. We are glad to be able to lay the address in full before our readers, in the present number of the REGISTER.

The meeting closed as usual with the banquet on Thursday evening. The after-dinner speeches were unusually good. Indeed we do not remember to have attended one of these famous banquets where the speeches were so uniformly well received.

The proprietors of the Hot Springs made everything as comfortable as possible for the members of the Association, and we believe the experiences at this meeting have served to reconcile every member who attended to the change from the former rendezvous of the Association at the White Sulphur Springs, West Virginia, to this newer and even more delightful resort inside the State lines.

A pleasant innovation at this meeting were the informal receptions tendered to the members of the Association by Decatur Axtell, Esq., President of the Hot Springs Company, and by Mrs. Decatur Axtell and Mrs. Ingalls, the latter the wife of President Ingalls of the Chesapeake & Ohio Railway Company, to the ladies in attendance upon the meeting.

We are indebted to the obliging Secretary of the Association for the following extracts from his report:

"The VIRGINIA LAW REGISTER, which deserves the unanimous support of the

Bar, has printed extracts from our reports, and made frequent mention of the work being done by the Association. It has quoted several articles from other law journals approving the use of judicial robes, and has itself commented favorably upon the resolutions passed by this Association at its last annual meeting, recommending the adoption of gowns by our Supreme Court of Appeals. All courts must take judicial notice of acts of the legislature, and perhaps the best way to bring our resolution to the active attention of that honorable court would be to secure an appropriation from the legistature for the purchase of suitable and fitting gowns.

. . . . . .

We had 431 active members on our rolls after our last annual meeting; and since then we have lost eleven by death, six by resignation, and one by promotion to the honorary list to take the place of Judge McLaughlin, who has died since, making a total of eighteen; but one has been reinstated, and we have, therefore, at the beginning of our Eleventh Annual Meeting, 414 active members. Our honorary members, of whom one has died, but whose place has been filled as stated above, number forty-three. Our total membership, therefore, is 457; while a number of applicants are now seeking admission."

. . . . . .

The following is a list of those who have become members of the Association, since the last report:

NEW MEMBERS.

Anderson, Henry W.	Richmond.
Batchelor, O. D.	Newport News.
Boyce, U. Lawrence	Berryville.
Brown, Charles M.	Berryville.
Bryan, George	Richmond.
Coke, John A., Jr.	Richmond.
Carlin, Charles C.	Alexandria.
Chalkley, Lyman	Staunton.
Curry, Charles	Staunton.
Frick, George A	Norfolk.
Garrett, H. L.	Covington.
Guger, C. B	Buena Vista.
Harnsberger, J. S.	Harrisonburg.
Harper, Fred	Lynchburg.
Jackson, E. Hilton	Front Royal.
Kane, Robert R	Gate City.
Leake, David H	Licking.
Moore, C. F	Covington.
Pettit, Paul	Palmyra.
Riely, Henry C	Richmond.
Smith, Blackbourne	Berryhill.
Vance, W. R	Lexington.

OFFICERS ELECTED FOR THE ENSUING YEAR.

PRESIDENT—William J. Leake, of Richmond.

VICE-PRESIDENTS—William A. Anderson, *Valley;* R. M. Page, *Southwest;* William N. Portlock, *Tidewater;* R. G. Southall, *Southside;* W. M. Lile, *Piedmont.*

SECRETARY AND TREASURER—Eugene C. Massie, of Richmond.

MEMBERS OF THE EXECUTIVE COMMITTEE—B. B. Munford, Richmond, and W. P. McRae, Petersburg.

DELEGATES TO THE AMERICAN BAR ASSOCIATION—H. St. George Tucker, Lexington; J. Alston Cabell, Richmond; and R. M. Hughes, Norfolk."